

1 **R307. Environmental Quality, Air Quality.**

2 **R307-840. Lead-Based Paint Accreditation, Certification and**
3 **Work Practice Standards.**

4 **R307-840-1. Purpose and Applicability.**

5 (1) Rule R307-840 establishes procedures and
6 requirements for the accreditation of lead-based paint
7 activities training programs, procedures and requirements for
8 the certification of individuals and firms engaged in lead-
9 based paint activities, and work practice standards for
10 performing such activities. This rule also requires that,
11 except as outlined in (2), all lead-based paint activities, as
12 defined in this rule, must be performed by certified
13 individuals and firms.

14 (2) R307-840 applies to all individuals and firms who
15 are engaged in lead-based paint activities as defined in R307-
16 840-2, except persons who perform these activities within
17 residential dwellings that they own, unless the residential
18 dwelling is occupied by a person or persons other than the
19 owner or the owner's immediate family while these activities
20 are being performed, or a child residing in the building has
21 been identified as having an elevated blood lead level.

22 (3) Each department, agency, and instrumentality of the
23 executive, legislative and judicial branches of the Federal
24 Government having jurisdiction over any property or facility,
25 or engaged in any activity resulting, or which may result, in
26 a lead-based paint hazard, and each officer, agent, or
27 employee thereof shall be subject to, and comply with, all
28 Federal, State, interstate, and local requirements, both
29 substantive and procedural, including the requirements of
30 R307-840 regarding lead-based paint, lead-based paint
31 activities, and lead-based paint hazards.

32 (4) While Rule R307-840 establishes specific
33 requirements for performing lead-based paint activities should
34 they be undertaken, nothing in R307-840 requires that the
35 owner or occupant undertake any particular lead-based paint
36 activity.

37
38 **R307-840-2. Definitions.**

39 (1) Definitions found in 40 CFR 745.63, 40 CFR 745.83,
40 and 40 CFR 745.223, in effect as of July 6, 2005~~[April 10,~~
41 ~~2003]~~, are hereby adopted and incorporated by reference, with
42 the substitutions found in (2) below and the modifications
43 found in (3) below.

44 (2) Substitutions.~~[Substitute "Executive Secretary" for~~
45 ~~all references to "EPA," except in the definition of~~
46 ~~"Recognized laboratory" found in 40 CFR 745.223.]~~

47 (a) Substitute "the Executive Secretary" for all
48 references to "EPA" except in the definition of "Pamphlet"
49 found in 40 CFR 745.83 and in the definition of "Recognized
50 laboratory" found in 40 CFR 745.223.

1 (b) Substitute "the Executive Secretary" for all
2 references to "Administrator".

3 (3) Modifications.~~—Delete the definition of "Lead-based~~
4 ~~paint hazard" found in 40 CFR 745.223.]~~

5 (a) Delete the definition of "Administrator" found in 40
6 CFR 745.83.

7 (b) Modify the definition of "Pamphlet" found in Sec.
8 745.83 by deleting ", or any State or Tribal pamphlet approved
9 by EPA pursuant to 40 CFR 745.326 that is developed for the
10 same purpose".

11 (c) Delete the definition of "Lead-based paint hazard"
12 found in 40 CFR 745.223.

13 (d) Modify the definition of "Business day" found in Sec.
14 745.223 by including "and State of Utah" before "holidays".

15
16 **R307-840-3. Accreditation, Certification and Work Standards:**
17 **Target Housing and Child-Occupied Facilities.**

18 (1) The following requirements, in effect as of [~~April~~
19 ~~10, 2003~~]July 6, 2005, are adopted and incorporated by
20 reference, with the substitutions found in (2) below and the
21 modifications found in (3) below:

22 (a) 40 CFR 745.61, 745.65, 745.80, 745.81, 745.82,
23 745.85, 745.86, 745.88, 745.225(a) through (g) and (i),
24 745.226 (a) through (h), 745.227, and 745.233.

25 (2) Substitutions.

26 (a) Substitute "the Executive Secretary" for all
27 references to "EPA" with the following exceptions:

28 (i) Sec. 745.65(d).

29 (ii) Sec. 745.86(b)(1).

30 [(+ii)](iii) Sec. 745.225(b)(1)(iii), Sec.
31 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec.
32 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec.
33 745.225(e)(5)(iv).

34 [(+iii)](iv) The last reference to EPA in Sec. 745.226[
35] (a)(1)(ii) and the second reference to EPA in Sec.
36 745.226(d)(1).

37 [(+iv)](v) The first three references to EPA in Sec.
38 745.227(a)(3), and the reference to EPA in Sec.
39 745.227(a)(4), [~~the second reference to EPA in Sec.~~
40 ~~745.227(e)(4),~~ Sec. 745.227(e)(4)(vi)(D), Sec.
41 745.227(e)(4)(vi)(I), and Sec. 745.227(f)(2).

42 [(+v)](b) Substitute "the Executive Secretary or the
43 Executive Secretary's authorized representative" for
44 references to "EPA" in Sec. 745.225(c)(12), Sec.
45 745.225(f)(4), and Sec. 745.225(i)(1).]

46 ~~—(b) Substitute "the current Department of Environmental~~
47 ~~Quality Fee Schedule" for all references to "Sec. 745.238-"]~~

48 (c) Substitute "the Executive Secretary" for all
49 references to "Administrator".

50 (d) Substitute "R307-840" for "either Federal
51 regulations at Sec. 745.226 or a State or Tribal certification

1 program authorized pursuant to Sec. 745.324" in Sec.
2 745.82(b)(3).

3 (e) Substitute "R307-840" for "either Federal
4 regulations at Sec. 745.226 or an EPA-authorized State or
5 Tribal certification program" in Sec. 745.86(b)(1).

6 (f) Substitute "Sec. 745.82(b)(3)" for "Sec.
7 745.82(b)(iv)" in 40 CFR 745.86(b)(1).

8 (g) Substitute sample certification language found in
9 Sec. 745.88(b)(2)(ii) with that found in Sec. 745.88(b)(2)(i).

10 (h) Substitute sample certification language found in
11 Sec. 745.88(b)(2)(i) with that found in Sec. 745.88(b)(2)(ii).

12 (i) Substitute "the current Department of Environmental
13 Quality Fee Schedule" for references to "Sec. 745.238" in Sec.
14 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec.
15 745.226(e)(3), Sec. 745.226(f)(6), and Sec. 745.226(f)(7).

16 (j) Substitute "Utah Division of Air Quality electronic
17 notification system" for "Agency's central data exchange
18 (CDX)" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii),
19 and Sec. 745.227(e)(4)(vii).

20 (k) Substitute "Notification Form" for "Schedule" in
21 Sec. 745.225(c)(13)(vi).

22 (l) Substitute "Utah Division of Air Quality Lead-Based
23 Paint Program web site" for "NLIC at 1-800-424-LEAD(5323), or
24 on the Internet at <http://www.epa.gov/lead>" in Sec.
25 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec.
26 745.227(e)(4)(vii).

27 (m) Substitute "Verification Form" for "Course Follow-
28 up" in Sec. 745.225(c)(14)(iii).

29 (n) Substitute "Utah lead-based paint firm" for "EPA" in
30 Sec. 745.227(e)(4)(vi)(D).

31 (o) Substitute "Utah lead-based paint individual" for
32 "EPA" in Sec. 745.227(e)(4)(vi)(I).

33 (p) Substitute "Lead-Based Paint Abatement Project
34 Notification" for "Notification of Lead-Based Paint Abatement
35 Activities" in Sec. 745.227(e)(4)(vii).

36 [~~(c)~~](q) Substitute "Sec 745.6[~~3~~](b)" for "Sec
37 745.227(b)" in 40 CFR 745.227(h)(2)(i).

38 (3) Modifications.

39 (a) Change the date in Sec. 745.81 to October 1, 2005.

40 [~~(a)~~](b) Change the date in Sec. 745.226(a)(5), Sec.
41 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to
42 August 30, 1999.

43 [~~(b)~~](c) Modify Sec. 745.225(b)(1)(iii) by deleting[~~the~~
44 statement,] "or training materials approved by a State or
45 Indian Tribe that has been authorized by EPA under subpart Q
46 of this part,".

47 [~~(c)~~](d) Modify Sec. 745.225(b)(1)(iv) by deleting[~~the~~
48 statement,] "or training materials approved by an authorized
49 State or Indian Tribe[~~]~~".

1 ~~[(d)]~~(e) Modify Sec. 745.225(c)(2)(ii) by including ~~[the~~
2 ~~statement,~~] "Executive Secretary-accredited," before~~[-the~~
3 ~~statement]~~ "EPA-accredited~~[-]~~".

4 (f) Modify Sec. 745.225(c)(13)(v)(B) and Sec.
5 745.225(c)(14)(ii)(A) by deleting "EPA accreditation number,".

6 (g) Modify Sec. 745.225(c)(14)(ii)(F) to include "Utah
7 Division of Air Quality Lead-Based Paint Program training
8 verification statement".

9 ~~[(e)]~~(h) Modify Sec. 745.225(e)(5)(iii) by deleting~~[-the~~
10 ~~statement,~~] "or training materials approved by a State or
11 Indian Tribe that has been authorized by EPA under
12 ~~[subsection]~~Sec. 745.324 to develop its refresher training
13 course materials,".

14 ~~[(f)]~~(i) Modify Sec. 745.225 (e)(5)(iv) by deleting~~[-the~~
15 ~~statement,~~] "or training materials approved by an authorized
16 State or Indian Tribe~~[-]~~".

17 ~~[(g)]~~(j) Modify Sec. 745.226 (a)(1)(ii) by including~~[~~
18 ~~the statement,~~] "EPA or" after the word "from~~[-]~~".

19 ~~[(h)]~~ Modify Sec. 745.227 (a)(3) by deleting the
20 ~~statement[,]~~ "Regulations, guidance, methods, or protocols
21 issued by States and Indian Tribes that have been authorized
22 by EPA;".

23 ~~[(i)]~~(k) Modify Sec. 745.226(f)(7) by deleting~~[-the~~
24 ~~statement]~~ "every 3 years~~[-]~~".

25 (l) Modify Sec. 745.227 (a)(3) by deleting "Regulations,
26 guidance, methods, or protocols issued by States and Indian
27 Tribes that have been authorized by EPA;".

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29 **KEY: air pollution, paint, lead-based paint**

30 **~~[August 6, 2003]~~2005**

31 **Notice of Continuation May 5, 2003**

32 **19-2-104(1)(i)**

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